

SACCHARIN NOTICES

DECEMBER 6, 1995.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. BLILEY, from the Committee on Commerce,
submitted the following

REPORT

[To accompany H.R. 1787]

[Including cost estimate of the Congressional Budget Office]

The Committee on Commerce, to whom was referred the bill (H.R. 1787) to amend the Federal Food, Drug, and Cosmetic Act to repeal the saccharin notice requirement, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

CONTENTS

	Page
Purpose and Summary	1
Background and Need for Legislation	2
Hearings	2
Committee Consideration	2
Rollcall Votes	2
Committee Oversight Findings	2
Committee on Government Reform and Oversight	3
New Budget Authority and Tax Expenditures	3
Committee Cost Estimate	3
Congressional Budget Office Estimate	3
Inflationary Impact Statement	4
Advisory Committee Statement	4
Section-by-Section Analysis of the Legislation	4
Changes in Existing Law Made by the Bill, as Reported	4

PURPOSE AND SUMMARY

The purpose of the bill is to repeal the store warning notice requirement established as part of the 1977 Saccharin Study and Labeling Act. The bill strikes the subsection 403(p) that establishes the store warning notice requirement.

BACKGROUND AND NEED FOR LEGISLATION

The store warning notice requirement was part of the 1977 Saccharin Study and Labeling Act that prevented the Food and Drug Administration (FDA) from banning the use of the artificial sweetener saccharin in food products. The Act required retail stores that sell such products not for immediate consumption to post the warning notice pursuant to regulations to be promulgated by FDA. The store warning notice is in addition to the requirement that the label of such products state: "Use of this product may be hazardous to your health. This product contains saccharin which has been determined to cause cancer in laboratory animals." H.R. 1787 does not change the requirement for the warning label of such food products. The redundant store notice warning requirement was included as a stop-gap measure to provide the warning prior to the time that warning labels would begin to appear on foods containing saccharin. Now that warning labels appear on all products, this requirement is no longer necessary. Eliminating the store warning notice requirement will reduce a burden on retail establishments including "mom and pop" grocery stores, neighborhood supermarkets, pharmacies, and convenience stores.

On November 2, 1995, the Speaker's Advisory Group on Corrections, a bipartisan task force, recommended to the Speaker that H.R. 1787 be placed on the House Corrections Calendar.

HEARINGS

The Committee on Commerce has not held hearings on the legislation.

COMMITTEE CONSIDERATION

On November 16, 1995, the Subcommittee on Health and Environment met in open markup session and approved H.R. 1787 for Full Committee consideration, without amendment, by a voice vote. On November 29, 1995, the Full Committee met in open markup session and ordered H.R. 1787 reported to the House, without amendment, by a voice vote.

ROLLCALL VOTES

Clause 2(l)(2)(B) of rule XI of the Rules of the House requires the Committee to list the recorded votes on the motion to report legislation and on amendments thereto. There were no recorded votes taken in connection with ordering H.R. 1787 reported. A motion by Mr. Bliley to order H.R. 1787 reported to the House, without amendment, was agreed to by a voice vote.

COMMITTEE OVERSIGHT FINDINGS

Pursuant to clause 2(l)(3)(A) of rule XI of the Rules of the House, the Committee has not held oversight or legislative hearings on this legislation.

COMMITTEE ON GOVERNMENT REFORM AND OVERSIGHT

Pursuant to clause 2(l)(3)(D) of rule XI of the Rules of the House of Representatives, no oversight findings have been submitted to the Committee by the Committee on Government Reform and Oversight.

NEW BUDGET AUTHORITY AND TAX EXPENDITURES

In compliance with clause 2(l)(3)(B) of rule XI of the Rules of the House of Representatives, the Committee states that H.R. 1787 would result in no new or increased budget authority or tax expenditures or revenues.

COMMITTEE COST ESTIMATE

The Committee adopts as its own the cost estimate prepared by the Director of the Congressional Budget Office pursuant to section 403 of the Congressional Budget Act of 1974.

CONGRESSIONAL BUDGET OFFICE ESTIMATE

Pursuant to clause 2(l)(3)(C) of rule XI of the Rules of the House of Representatives, following is the cost estimate provided by the Congressional Budget Office pursuant to section 403 of the Congressional Budget Act of 1974:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, December 6, 1995.

Hon. THOMAS J. BLILEY, Jr.,
*Chairman, Committee on Commerce,
House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has reviewed H.R. 1787, a bill to repeal the saccharin notice requirement, as ordered reported by the Committee on Commerce on November 29, 1995. Pay-as-you-go procedures would not apply because the bill would not affect direct spending or receipts.

H.R. 1787 would repeal section 403(p) of the Food, Drug and Cosmetic Act, which requires that information on the possible health effects of saccharin use be prominently posted at retail establishments selling food products containing the additive. The manufacturers of these food products are responsible for providing retail establishments with these notices. CBO estimates that H.R. 1787 would have no budgetary impact on the federal government and a negligible impact on state governments. Those states actively enforcing the saccharin notification requirement would experience a very modest reduction in workload in their food inspection programs.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contacts are Anne Hunt and Marc Nicole.

Sincerely,

JUNE E. O'NEILL, *Director.*

INFLATIONARY IMPACT STATEMENT

Pursuant to clause 2(l)(4) of rule XI of the Rules of the House of Representatives, the Committee finds that the bill would have no inflationary impact.

ADVISORY COMMITTEE STATEMENT

No advisory committees within the meaning of section 5(b) of the Federal Advisory Committee Act are created by this legislation.

SECTION-BY-SECTION ANALYSIS OF THE LEGISLATION

Section 1 amends section 403 of the Federal Food Drug and Cosmetic Act (21 U.S.C. 343) by striking paragraph (p).

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3 of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italics, existing law in which no change is proposed is shown in roman):

**SECTION 403 OF THE FEDERAL FOOD, DRUG, AND
COSMETIC ACT**

MISBRANDED FOOD

SEC. 403. A food shall be deemed to be misbranded—

(a) * * *

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[(p)(1) If it contains saccharin and is offered for sale, but not for immediate consumption, at a retail establishment, unless such retail establishment displays prominently, where such food is held for sale, notice (provided by the manufacturer of such food pursuant to subparagraph (2)) for consumers respecting the information required by paragraph (o) to be on food labels and labeling.

[(2) Each manufacturer of food which contains saccharin and which is offered for sale by retail establishments but not for immediate consumption shall, in accordance with regulations promulgated by the Secretary pursuant to subparagraph (4), take such action as may be necessary to provide such retail establishments with the notice required by subparagraph (1).

[(3) The Secretary may by regulation review and revise or remove the requirement of subparagraph (1) if he determines such action is necessary to reflect the current state of knowledge concerning saccharin.

[(4) The Secretary shall by regulation prescribe the form, text, and manner of display of the notice required by subparagraph (1) and such other matters as may be required for the implementation of the requirements of that subparagraph and subparagraph (2). Regulations of the Secretary under this subparagraph shall be promulgated after an oral hearing but without regard to the National Environmental Policy Act of 1969 and chapter 5 of title 5, United States Code. In any action brought for judicial review of any such

regulation, the reviewing court may not postpone the effective date of such regulation.】

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